

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JERAL A. PEOPLES,

Plaintiff,

File No. 2:08-CV-02

v.

HON. ROBERT HOLMES BELL

BRYAN HOOVER, et al.,

Defendants.

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**ORDER AND JUDGMENT ACCEPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On February 18, 2009, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation recommending that Defendants' motion for summary judgment (Dkt. No. 60) be granted and that this case be dismissed. Plaintiff Jeral A. Peoples filed objections to the report and recommendation on March 2, 2009.

This Court is required to make a *de novo* determination of those portions of the R&R to which objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff objects to the dismissal of his action. However, Plaintiff's objections, while lengthy, fail to address the two findings that form the basis for the Magistrate Judge's determination that Plaintiff failed to establish a violation of his access to the courts: (1)

Plaintiff has not challenged the finding that the date on which Defendant LeClaire allegedly refused to send out Plaintiff's legal mail was after the date on which Plaintiff's lawsuit was dismissed, and that therefore LeClaire could not have been involved in the dismissal of Plaintiff's lawsuit; and (2) Plaintiff has not challenged the finding that his letter addressed to Hoover that was received by Defendant Marshall was sealed, and that it therefore did not qualify as legal mail and was not eligible for expedited handling. The Court agrees with the Magistrate Judge that on the basis of these findings Plaintiff has not established any violation of his access to the courts.

Plaintiff has also objected to the Magistrate Judge's denial of his motion to amend. The Magistrate Judge denied Plaintiff's motion to amend because the proposed amendments were not related to the cause of action asserted in this case. This action involved allegations that Defendants interfered with legal mail that resulted in the dismissal of a lawsuit on September 24, 2007. In his objections Plaintiff has not shown or suggested that his proposed amendments relate to the same matter. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's objections to the R&R (Dkt. No. 113) are **DENIED**.

**IT IS FURTHER ORDERED** that the February 18, 2009, R&R (Dkt. No. 109) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' motion for summary judgment (Dkt. No. 60) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's motions (Dkt. Nos. 87, 88, 91, 95, 96, 97, 99, 102, 104, 105, 106) are **DENIED**.

**IT IS FURTHER ORDERED** that **JUDGMENT** is entered in favor of Defendants and Plaintiff's complaint is **DISMISSED** in its entirety.

This case is **CONCLUDED**.

Dated: March 31, 2009

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE